

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

SMARTMATIC USA CORP.,
SMARTMATIC INTERNATIONAL
HOLDING B.V., and SGO
CORPORATION LIMITED,

Plaintiffs,

v.

Case No. 22-cv-0098-JMB-JFD

MICHAEL J. LINDELL and MY
PILLOW, INC.,

Defendants.

**DECLARATION OF JULIE M. LOFTUS IN SUPPORT OF SMARTMATIC'S
THIRD MOTION TO COMPEL**

I, Julie M. Loftus, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am over the age of 18, I am competent to make this declaration, and I have personal knowledge of the facts stated herein. These facts are true to the best of my knowledge, information, and belief, and if called upon to testify as a witness, I could and would testify competently to them.

2. I am an attorney at the law firm Benesch, Friedlander, Coplan & Aronoff, LLP, and I represent Plaintiffs Smartmatic USA Corp., Smartmatic International Holding B.V., and SGO Corporation Limited ("Smartmatic") in the above-captioned lawsuit.

3. Attached as Exhibit A is a true and correct copy of Smartmatic's First Set of Interrogatories.

4. Attached as Exhibit B is a true and correct copy of Smartmatic's Second Set of Interrogatories.

5. Attached as Exhibit C is a true and correct copy of Smartmatic's Second Set of Requests for Production.

6. Attached as Exhibit D is a true and correct copy of a letter from Michael Bloom to Christopher Kachouroff, dated December 19, 2023.

7. Attached as Exhibit E is a true and correct copy of an email from me to Mr. Kachouroff, dated January 4, 2024.

8. Attached as Exhibit F is a true and correct copy of an email from me to Mr. Kachouroff, dated January 18, 2024.

9. Attached as Exhibit G is a true and correct copy of an email from me to Mr. Kachouroff, dated April 17, 2024.

10. Attached as Exhibit H is a true and correct copy of an email from me to Mr. Kachouroff, dated April 24, 2024.

11. Attached as Exhibit I is a true and correct copy of an email from me to Mr. Kachouroff, dated May 7, 2024.

12. I attended a meet and confer conference with Defendants' counsel on May 13, 2024. During that call, Smartmatic raised several discovery deficiencies, including Defendants' production in response to RFP No. 26. Defendants stated that they would investigate these deficiencies.

13. Attached as Exhibit J is a true and correct copy of an email from me to Mr. Kachouroff, dated June 3, 2024.

14. I attended a meet and confer conference with Defendants' counsel on June 3, 2024. During that meeting, Smartmatic inquired about Defendants' responses to the set of discovery requests served on September 20, 2023. During the call, Defendants' counsel requested that Smartmatic re-send the requests via email.

15. Attached as Exhibit K is a true and correct copy of Smartmatic's Fifth Set of Requests for Production.

16. Attached as Exhibit L is a true and correct copy of Smartmatic's Fourth Set of Interrogatories.

17. Attached as Exhibit M is a true and correct copy of Smartmatic's First Set of Requests for Admission.

18. Attached as Exhibit N is a true and correct copy of Smartmatic's Second Set of Requests for Admission.

19. Attached as Exhibit O is a true and correct copy of Defendant My Pillow, Inc.'s Fourth Supplemental Answers and Objections to Plaintiffs' Second Set of Interrogatories.

20. Attached as Exhibit P is a true and correct copy of Defendants' Fifth Supplemental Responses to Plaintiffs' Discovery.

21. Attached as Exhibit Q is a true and correct copy of a letter from Christopher Letkewicz to Mr. Kachouroff, dated May 16, 2024.

22. Attached as Exhibit R is a true and correct copy of Defendant Michael J. Lindell Fourth Supplemental Answers and Objections to Plaintiffs' First Set of Interrogatories.

23. Attached as Exhibit S is a true and correct copy of an email from me to Mr. Kachouroff, dated July 3, 2024.

24. Attached as Exhibit T is a true and correct copy of excerpts from the transcript of the deposition of Michael J. Lindell, dated June 11, 2024.

25. Defendants have produced MyPillow's balance sheet, profit and loss statements, a sales by customer summary, and one page of tax returns from 2018 through 2021. For 2022, Defendants produced a MyPillow balance sheet and a profit and loss statement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



Julie M. Loftus

Executed on July 9, 2024.